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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,979	03/27/2000	Tomasz Duczmal	856.1043	4057

21171 7590 11/19/2003  
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1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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NGUYEN, NHON D

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/19/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/535,979	<b>Applicant(s)</b> DUCZMAL ET AL.	
	<b>Examiner</b> Nhon (Gary) D Nguyen	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This communication is responsive to Amendment B, filed 09/05/2003.
2. Claims 1, 6-9, and 11-16 are pending in this application. Claims 1 and 11 are independent claims. In the Amendment B, claims 1 and 11 are amended. This action is made non-final.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this application, abstract should avoid using the phrase "the present invention".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 6-9, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter (US 6,430,605).

As per independent claim 1, Hunter teaches a system for dynamic display of advertising material, comprising:

a plurality of input sources for receiving scheduling information and advertising material in the form of at least one image object for scheduling display of said advertising material during an allocated time slot (col. 3, lines 43-65);

a database for storing said at least one image object; a server for managing said advertising material in accordance with said scheduling information (col. 3, lines 53-58); and

at least one billboard located in a public space accessible by the public for displaying to the public said at least one image object during said allocated time slot (col. 3, lines 31-42) and, prior to expiry of said allocated time slot, triggering a communication session with said server to upload and display a further image object during a respective further time slot (col. 3, lines 43-65).

As per claim 6, which is dependent on claim 1 Hunter teaches the server comprises:

a distribution engine for uploading said scheduling information and said advertising material from said plurality of input sources, for managing said advertising material and for providing said advertising material to said at least one display location (col. 4, lines 4-12); and

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Since the *Review Schedule and Purchase Time* module (60 of fig. 1) schedules the advertising time slot (col. 3, lines 53-58), it is inherent that the *Review Schedule and Purchase Time* module has a slot allocator for monitoring said scheduling of said display.

As per claim 7, which is dependent on claim 6, Hunter teaches the server further comprises: a transaction system for enabling payment, cancellations and status checking (col. 3, lines 47-50 and col. 5, lines 32-34).

As per claim 8, which is dependent on claim 1, it is inherent in Hunter's system that the server further comprises a monitoring system for providing a view of said advertising material, allocated to a display location, to at least one of said plurality of input sources.

As per claim 9, which is dependent on claim 7, Hunter teaches the server further comprises:

a location identifier for providing description, statistical and technical information concerning said at least one display location to at least one of said plurality of input sources (col. 4, line 47 – col. 5, line 34).

As per independent claim 11, Hunter teaches a method for dynamic display of advertising, comprising:

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accessing a server, via said network, to retrieve available time slots associated with at least one billboard; selecting a time slot from said available time slots for displaying advertising material (col. 3, lines 53-58);

storing said advertising material in a database (col. 3, lines 53-58);

uploading said advertising material from said database to said billboard prior to occurrence of said selected time slot (col. 3, lines 43-65);

displaying said advertising material to the public at said billboard located in a public space accessible by the public when said timeslot occurs (col. 3, lines 31-42); and

initiating from said billboard a communication session with said server for uploading further advertising material from said database to said billboard upon expiry of said timeslot for further display at said billboard during a respective further time slot (col. 3, line 43 – col. 4, line 12).

As per claims 12 and 13, which are dependent on claims 11 and 12 respectively, Hunter teaches the step of searching for a billboard before said step of selecting a time slot from said available time slots and further comprising the step of retrieving billboard location data after said step of searching for a billboard location (col. 3, lines 53-58).

As per claim 14, which is dependent on claim 11, Hunter teaches the step of checking said advertising material for technical integrity before said step of storing said advertising material in "said" database (col. 4, lines 4-12).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter.

As per claims 15-16, Hunter teaches the step of performing financial transactions wherein the step of performing financial transactions comprises the steps of calculating transaction fees and aggregating airtime information (col. 4, line 47 – col. 5, line 34). Although, Hunter teaches the financial transactions to be performed during the subscription process, Hunter does not disclose the transactions to take place before uploading the advertising material. Official Notice is given that financial transactions taking place prior to granting a service such as in the example of charging a flat fee before providing a service was well known in the art at the time of the invention. It would have been obvious to an artisan at the time of the invention to perform financial transactions before further processing with Hunter's teaching as a choice of business practice.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

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***Inquiries***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen  
November 10, 2003

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
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